

Congress of the United States
Washington, DC 20515

March 9, 2006

The Honorable Arlen Specter
Chairman
Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Specter:

As members of the Congressional Hispanic Caucus (CHC) and the Congressional Asian Pacific American Caucus (CAPAC), we urge you to craft an overhaul of our nation's broken immigration policy that is truly comprehensive.

We commend you for taking up the pressing issue of immigration, despite how contentious the policy debate has become. We also want to express our uniform opposition to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, and ask that you work to prevent the most vicious provisions of that legislation from being included in any bill that is reported out of your Committee.

Specifically, we ask that your bill not include poison pills that will:

- Criminalize undocumented immigrants, their family members or the people who, because of their humanitarian roles in society, help the undocumented meet their material, educational or spiritual needs.
- Impose the federal responsibility and unfunded mandate of the enforcement of immigration laws on our already overworked and underfunded state and local police.
- Require a wall or fence to be built around the perimeter of the United States, at the expense of all other laws and spending and policy priorities.
- Further limit judicial review of immigration cases, thereby restricting immigrants' and asylees' access to the courts.
- Allow the indefinite detention of foreign-born people whose home countries will not take them back.
- Revoke the constitutional right of citizenship from those born in the United States, or otherwise limit immigrants' access to citizenship by arbitrarily making the naturalization process more difficult.

Such far-reaching and harsh provisions will do nothing to protect our borders or enhance national security, and would otherwise destroy any chance or hope of implementing a comprehensive policy.

Rather, comprehensive immigration reform should include the following vital elements:


- A border security and interior enforcement policy that targets criminals, drug and human smugglers, potential terrorists and others who mean our nation harm. Such a policy cannot stand alone--it must be part of a larger package that addresses the immigration system as a whole.
- Collaboration with foreign governments, particularly those that share a border with the United States, to secure our shared borders and deter illegal entry into the United States.
- A tamper-proof worker verification system that instantly checks whether a worker is eligible to work. Such checks should be phased in manageably and gradually, to minimize errors and protect civil liberties. Those who circumvent the new system should face stiffer penalties and fines.
- A program to compel the estimated 11 million undocumented workers currently living in the United States to come forward and participate legally in our workforce. Most are here for a better life: they pay taxes and they do jobs no one else will do. Immigrants in the program must clear thorough background checks and pay appropriate fines and taxes before becoming eligible to work. To be truly effective, the program must provide a way for workers to eventually earn legal permanent residence and citizenship, without jumping ahead of those who have been waiting in the immigration queue. In light of this, we strongly urge you to reconsider the provisions in your draft mark related to the "gold card" program for the undocumented. Implementing a program that only provides a work permit and ties the worker's legal status to the employer will relegate these individuals to permanent second class status and place them in a precarious position should they need to find a new job or exert their workplace rights.
- The reduction and eventual elimination of the backlog of people waiting, sometimes for decades, to be legally reunited with close family members. In addition, provisions of immigration law that address inadmissibility issues with regard to undocumented status, such as the three- and ten-year bars to reentry, must be waived to ensure that the reforms to the family immigration system are meaningful and effective.
- A safe and legal means for future workers to come to the United States to fill jobs Americans will not do. To replace the illegal flow with a legal flow, visas must be made available to meet the current demand for legal immigration by employers and workers. To prevent worker exploitation, workers should have the same workplace rights as their U.S. counterparts, not be tied to any one employer, and have the option of becoming legal permanent residents and, eventually, citizens.


If Congress adopts this basic framework, we have the best chance to gain lasting control over immigration flows and restore confidence in the rule of law.


The work of your Committee will have a serious, long-term impact on the lives of people in our communities. Minority children, their families and the nation would likely suffer tremendously if Congress decides that political expediency is more important than a realistic and effective immigration policy.

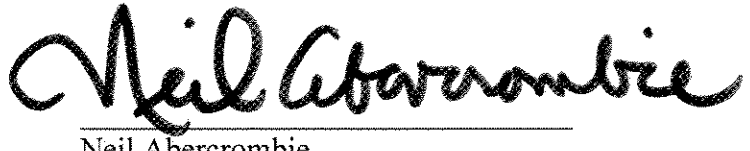
Mr. Chairman, we are very concerned that the U.S. Senate could make the same grave mistake the U.S. House of Representatives made last December when it passed H.R. 4437. The House succumbed to the temptation to enact get-tough-only legislation that is high on symbolism, but short on workable solutions. We hope, with your leadership, that the Senate will pursue a more sensible and workable path that will ensure we fix our nation's broken immigration system once and for all.

Sincerely,


Grace Flores Napolitano
Chairwoman
Congressional Hispanic Caucus


Michael Honda
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